

1 Amy Spencer-Martyn (CASB#248069)
2 2201 Court Street
2 Redding, CA 96001
3 530-244-0300
3 530-244-0302 facsimile
4 ATTORNEY FOR DEBTOR
5

6 **UNITED STATES BANKRUPTCY COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
8

9 In re: GARY ALLEN SCHUYLER

Case No. 2010-41832
D.C. No. ASM-1

10
11 Debtor.
12
13

Date: SEPTEMBER 14, 2010
Time: 9:30 AM
Courtroom: 35
Judge: CHRISTOPHER M. KLEIN

14 **DEBTORS' MOTION TO COMPEL**
15 **ABANDONMENT OF TRUSTEE'S**
15 **INTEREST IN DEBTOR'S AUTO BODY**
16 **REPAIR BUSINESS**

17
18 Debtor respectfully requests an order determining that the Chapter 7 Trustee, Garry L. Ness,
19 has no interest in Debtor's auto body repair business and that the Trustee's interest be deemed
20 abandoned. The grounds for relief are as follows:

21
22 1. Debtor Gary Allen Schuyler performs auto body repair, conducting his business at a single
23 rented/leased premises located at 43 Alta Ave B, Quincy, CA 95971. Debtor has filed his Schedule
24 B under penalty of perjury attesting to his belief that the business value is made up of ACCOUNTS
25 RECEIVABLE \$800; AUTOBODY TOOLS & EQUIPMENT: TOOL BOXES, 2 EA. AIR
26 COMPRESSORS, 20' CONEX STORAGE CONTAINER, PAINT BOOTH (OLDER), TOOL
27 BOXES, PAINT GUNS, MISC AUTOBODY TOOLS \$8,000; TOOL BOXES \$3,500;
28 INVENTORY \$1,000; for a total business value that should not exceed \$13,300 and exempted same.

1 Debtor has approximately \$7,780 remaining of his CCP703.140(b)(5) wildcard exemption available
2 in the event the business or its parts are determined to have a higher value or the business itself is
3 determined to have any marketable value. Mr. Schuyler does not believe any auto body repair person
4 would want to practice in his name.

5 Respectfully Submitted,

6
7 Date: 8/20/10

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Amy Spencer-Martyn
Amy Spencer-Martyn, SBN 248069

